

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 08-3187 CAS (FFM)	Date	May 1, 2009
Title	BRIAN POWERS v. JOHN F. SALAZAR, WARDEN		

Present: The Honorable	Frederick F. Mumm, United States Magistrate Judge
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James Munoz

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

None Present

None Present

Proceedings: (IN CHAMBERS): ORDER TO SHOW CAUSE

On May 14, 2008, petitioner filed a Petition for Writ of Habeas Corpus challenging the state's refusal to grant him parole. On February 20, 2009, petitioner advised the Court that the Board of Parole Hearings had granted his parole petition and that, on February 17, 2009, petitioner had been released from custody.

On March 20, 2009, petitioner requested the Court to appoint him counsel and advised the Court that if it denied his request he would abandon his petition. The Court denied his request on March 25, 2009.

Because the petition did not challenge petitioner's conviction, but only the denial of parole, and because petitioner since has been granted parole and is no longer in custody, it appears that the petition is moot. Moreover, petitioner has expressed a desire to abandon his petition. Therefore, petitioner is ordered to show cause within 20 days of the date of this order why the petition should not be dismissed for mootness. If petitioner does not respond to the order to show cause, the Court will issue a report and recommendation recommending that the petition be dismissed.

IT IS SO ORDERED.

Initials of Preparer

JM